

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARCUS WEBB,

Civil Action No. 1:11-cv-07517 (JSR)

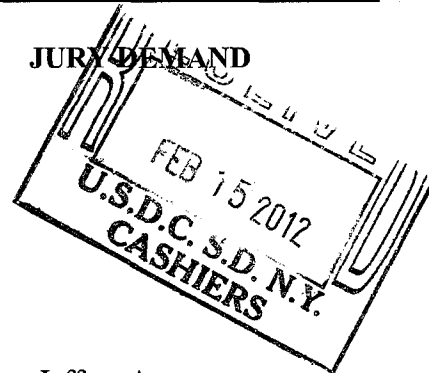
Plaintiff,

-against-

SYLVESTER STALLONE, DAVID E.
CALLAHAM, MILLENNIUM FILMS, NU
IMAGE FILMS, LIONS GATE FILMS, INC.,
LIONS GATE HOME ENTERTAINMENT, INC.,
ALTA VISTA PRODUCTIONS, INC., ALTA
VISTA PRODUCTIONS, LLC and DOUBLE LIFE
PRODUCTIONS, INC.,

Defendants.

SECOND AMENDED COMPLAINT



Plaintiff, Marcus Webb ("Webb" or "Plaintiff"), by his attorneys, Jeffrey A.

Sunshine, P.C. and Cole, Schotz, Meisel, Forman & Leonard P.A., for his Complaint against Defendants, Sylvester Stallone ("Stallone"), David E. Callaham ("Callaham"), Millennium Films ("Millennium"), Nu Image Films ("Nu Image"), Lions Gate Films, Inc. ("Lions Gate Films"), Lions Gate Home Entertainment, Inc. ("Lions Gate Home Entertainment"), Alta Vista Productions, Inc., Alta Vista Productions, LLC and Double Life Productions, Inc. ("Double Life") (hereinafter, "Defendants"), alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for copyright infringement under the Copyright Act of 1976, 17 U.S.C. §101 *et seq.* ("Copyright Act"), arising from Defendants' deliberate, willful, and unauthorized copying, reproduction, distribution, performance and exploitation of a derivative work based on Webb's screenplay *The Cordoba Caper*.

2. Defendants Stallone and Callaham are credited with co-authoring the screenplay for

The Expendables was produced by Millennium, Nu Image, and, upon information and belief, Alta Vista Productions, Inc., Alta Vista Productions, LLC and Double Life Productions, Inc. (“Double Life”), and *The Expendables* was distributed by Lions Gate Films (theatrical distribution) and Lions Gate Home Entertainment (home video distribution). According to filings with the United States Copyright Office, Alta Vista Productions, Inc. is also credited with authorship of the screenplay.

3. The screenplay for *The Expendables* is strikingly similar, and in some places identical, to *The Cordoba Caper*. Given the numerous similarities between the works, it is evident that Defendants had access to and copied Webb’s screenplay for *The Cordoba Caper*.

4. Defendants have infringed Webb’s rights under the Copyright Act by creating, reproducing, manufacturing, distributing and performing *The Expendables*, an unauthorized derivative work based on Webb’s original copyrighted screenplay for *The Cordoba Caper*. Recent media reports have also confirmed that a sequel, *The Expendables 2*, is now in production.

5. Webb seeks damages for copyright infringement and injunctive relief restraining Defendants from further infringing his copyright in *The Cordoba Caper*.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400. Defendants, at times pertinent to this action, did transact and continue to transact business within this District, and a substantial part of the events giving rise to Plaintiff’s claims also occurred in this District. Moreover, upon information and belief, Defendants and/or their registered agents reside and/or may be found in this District.

THE PARTIES

8. Upon information and belief, Sylvester Stallone is an individual residing in Beverly Hills, California.

9. Upon information and belief, David E. Callaham is an individual residing in Los Angeles, California.

10. Marcus Webb is an individual residing at 1127 High Ridge Road, Stamford, Connecticut.

11. Upon information and belief, Millennium Films is a corporation located at 6423 Wilshire Boulevard, Los Angeles, California.

12. Upon information and belief, Nu Image Films is a corporation located at 6423 Wilshire Boulevard, Los Angeles, California.

13. Upon information and belief, Lions Gate Films, Inc. is a corporation located at 2700 Colorado Avenue, Santa Monica, California with offices at 75 Rockefeller Plaza, New York, New York.

14. Upon information and belief, Lions Gate Home Entertainment, Inc. is a corporation located at 2700 Colorado Avenue, Santa Monica, California with offices at 75 Rockefeller Plaza, New York, New York.

15. Upon information and belief, Alta Vista Productions, Inc. is a corporation located at 318 North Carson Street, Carson City, Nevada.

16. Upon information and belief, Alta Vista Productions, LLC is a limited liability company located at 2154 Midway Street, Shreveport, Louisiana.

17. Upon information and belief, Double Life Productions, Inc. is a corporation located at 6423 Wilshire Boulevard, Los Angeles, California.

BACKGROUND FACTS

18. Webb is the author of the original screenplay entitled *The Cordoba Caper* (the “Screenplay”). The Screenplay was duly filed with the United States Copyright Office on June 08, 2006 (Registration Number: PAu003049981). A true and accurate copy of the Certificate of Registration is attached hereto as **Exhibit A**. A short story with the same title and plot was duly filed with the United States Copyright Office on June 09, 2006 (Registration Number: TXu001304661). A true and accurate copy of the Certificate of Registration is attached hereto as **Exhibit B**.

19. Webb is the exclusive owner of all rights, title and interest in the Screenplay and has not assigned, licensed or otherwise transferred his copyright to any third-parties or dedicated his rights to the public.

20. From 2006 through 2009, Webb submitted the Screenplay to numerous literary forums, and it was widely available for viewing and consideration by the motion picture industry.

21. *The Cordoba Caper* tells the story of a team of elite, highly-trained mercenaries hired to defeat General Garza, a rogue army general of a small Latin American country.

22. On August 13, 2010, *The Expendables* was released in theaters worldwide. *The Expendables* tells the story of a team of elite, highly-trained mercenaries hired to defeat General Garza, a rogue army general of a small Latin American country.

23. Protectable aspects of the plot, characters, setting, and dialogue of *The Cordoba Caper* and *The Expendables* are substantially similar and, in some cases, identical. A summary illustrating some of these similarities is set forth in the parallels chart below:

SIMILARITIES	<i>THE CORDOBA CAPER</i>	<i>THE EXPENDABLES</i>
1. The story opens with a hostage rescue at sea, off a foreign coast, which has nothing to do with the main plot.	The story opens with a hostage rescue at sea, off Taiwan, which has nothing to do with the main plot.	The story opens with a hostage rescue at sea, off the coast of Africa, which has nothing to do with the main plot.
2. The main villain is General Garza, an evil military dictator of a small Latin American nation; he is a notorious human rights violator and mass murderer of his own people.	<p>General Enrique Garza is introduced as a “right-wing, fascist viper.”</p> <p>Garza is an evil military dictator of a small Latin American nation called Cordoba; he is a notorious human rights violator and mass murderer of his own people.</p>	<p>General Rubin Garza is described as a “fanatic” and dictator.</p> <p>Garza is an evil military dictator of a small Latin American nation called Vilena; he is a notorious human rights violator and mass murderer of his own people.</p>
<p>3. Garza’s “number two” is his security chief... a man who represents an ideology hostile to Garza’s.</p> <p>Their alliance is a marriage of convenience to terrorize the peasants and turn the country into a giant cocaine plantation.</p>	<p>Garza is a fascist, but his Minister of State Security is a Marxist-communist, Colonel Ramon Torres.</p> <p>Their alliance is a marriage of convenience to terrorize the peasants and turn the country into a giant cocaine plantation.</p>	<p>Garza is out of favor with the American CIA but his chief internal ally is a renegade American CIA officer named Monroe who is disrespectful and openly hostile towards Garza.</p> <p>Their alliance is a marriage of convenience to terrorize the peasants and turn the country into a giant cocaine plantation.</p>

SIMILARITIES	<i>THE CORDOBA CAPER</i>	<i>THE EXPENDABLES</i>
<p>4. Both Garza and his “number two” have their own personal, private security forces, associated with the colors RED and BLACK, respectively.</p> <p>The two security forces are hostile to each other throughout the story and eventually turn on each other.</p>	<p>Colonel Ramon Torres, Cordoba’s Minister of State Security, has a personal, private (communist) security force called the RED Brigades.</p> <p>Gen. Garza has his own separate personal, private (fascist) security force, the BLACK-uniformed “Palace Guard.”</p> <p>The two security forces are hostile to each other throughout the story and eventually turn on each other.</p>	<p>General Garza has a personal, private security force of uniformed military guards. They wear RED flashing and RED berets.</p> <p>Monroe has security chief Paine and other personal, private American security operatives. They always wear BLACK.</p> <p>The two security forces are hostile to each other throughout the story and eventually turn on each other.</p>
<p>5. The hero is a working class, middle-aged American mercenary and leader of a team of FIVE mercenaries.</p> <p>One team member is named Tool or O’Toole.</p> <p>They are all personal friends; they do not just work for money but for causes they believe in.</p>	<p>St. John is a working class, middle-aged American mercenary and leader of a team of FIVE mercenaries.</p> <p>One team member is Terri O’Toole.</p> <p>They are all personal friends; they do not just work for money but for causes they believe in.</p>	<p>Barney Ross is a working class, middle-aged American mercenary and leader of a team of FIVE mercenaries.</p> <p>A former team member is named Tool.</p> <p>They are all personal friends; they do not just work for money but for causes they believe in.</p>

SIMILARITIES	<i>THE CORDOBA CAPER</i>	<i>THE EXPENDABLES</i>
<p>6. After the hostage rescue at sea, but before starting the mission against Garza, one of the mercenaries visits a young woman he loves.</p> <p>They have a strained, awkward conversation. She complains she does not even know what he does for a living.</p> <p>They love each other but are clearly alienated. The woman is frustrated with the mercenary's frequent unexplained absences; this makes her emotionally distant and guarded.</p> <p>The mercenary is hurt by the young woman's negative reaction and parts from her unhappily.</p>	<p>After the hostage rescue at sea, but before starting the mission against Garza, St. John visits his daughter Allison.</p> <p>They have a strained, awkward conversation. She complains she does not even know what he does for a living.</p> <p>They love each other but are clearly alienated. The woman is frustrated with the mercenary's frequent unexplained absences; this makes her emotionally distant and guarded.</p> <p>St. John is hurt by Allison's reaction. He reluctantly departs without saying the things he wanted to say.</p>	<p>After the hostage rescue at sea, but before starting the mission against Garza, Lee Christmas visits his girlfriend Lacy.</p> <p>They have a strained, awkward conversation. She complains she does not even know what he does for a living.</p> <p>They love each other but are clearly alienated. The woman is frustrated with the mercenary's frequent unexplained absences; this makes her emotionally distant and guarded.</p> <p>Christmas is hurt by Lacy's reaction. He leaves feeling dejected.</p>
<p>7. The hero's missions are defined as going "TO HELL AND BACK."</p>	<p>St. John is described as "a man who's been TO HELL AND BACK enough times to mark the trail."</p>	<p>Tool tells Ross: "I got three pieces of work. Two a walk in the park. One TO HELL AND BACK."</p>

SIMILARITIES	<i>THE CORDOBA CAPER</i>	<i>THE EXPENDABLES</i>
<p>8. The main story is introduced when an older, seemingly rich executive meets the hero and tries to hire him.</p> <p>The rich executive meets the hero and tries to hire him to get rid of Garza and his regime. The client is interested in the country's natural resources.</p>	<p>The client is a Scottish oil company tycoon named Sir Reginald Wilson-Thomas. He is 96 years old and rich.</p> <p>He meets St. John and tries to hire him to get rid of Garza and his regime. The client is interested in the country's natural resources.</p>	<p>The client is a corporate executive who goes by the name "Mr. Church." He is about 60 years old and apparently rich, since he authorizes a multi-million payment.</p> <p>He meets Ross and tries to hire him to get rid of Garza and his regime. The client is interested in the country's natural resources.</p>
<p>9. The mercenary hero is reminded about an earlier military-style operation that he undertook in Africa.</p>	<p>Wilson-Thomas reminds St. John about an earlier military-style operation that he undertook in the African country of Chad.</p>	<p>Tool reminds Barney Ross about an earlier military-style operation that he undertook in the African Country of Nigeria.</p>
<p>10. The hero's fee for the job is \$5 million.</p>	<p>St. John is described as a globe-trotting mercenary "who was paid \$5 million per job."</p> <p>[Short story version of <i>The Cordoba Caper</i>]</p>	<p>Ross tells Church the fee is \$5 million.</p>
<p>11. The mercenary hero is initially reluctant to accept the mission, thinking it is too difficult.</p> <p>The hero turns down the job at first, but later accepts because the life of a young woman is at stake.</p>	<p>St. John says "war is a little out of my league."</p> <p>St. John turns down the job at first, but later accepts because Allison's life is at stake.</p>	<p>A member of Ross's team says eliminating Garza "would take a small army" and "All we got is four and a half guys."</p> <p>Ross turns down the job at first, but later accepts because Sandra's life is at stake.</p>

SIMILARITIES	<i>THE CORDOBA CAPER</i>	<i>THE EXPENDABLES</i>
<p>12. The heroine is a CLOSE RELATIVE of Garza, who is also a leader of the underground resistance.</p> <p>The hero and heroine become emotionally involved.</p>	<p>Renata is Garza's NIECE. She is also the leader of the Rebels against Garza.</p> <p>St. John and Renata become lovers.</p>	<p>Sandra is Garza's DAUGHTER. She is also working with the local resistance movement against Garza.</p> <p>Ross and Sandra make a strong emotional connection.</p>
<p>13. The hero's closest ally is ironically described as a ZORRO type figure.</p>	<p>In a self-deprecating way, Renata says of the native Indians: "To them, I'm a combination of Joan of Arc, Abraham Lincoln, and ZORRO."</p> <p>Later, St. John jokingly asks Renata: "This how ya got in the ZORRO business?"</p>	<p>Ross jokingly asks Christmas: "Who are you, ZORRO?"</p>
<p>14. It is suggested that the U.S. might INVADE Garza's homeland in order to take over the country, its oil reserves or its natural resources.</p>	<p>St. John says "the [U.S.] Marines are gettin' ready to INVADE Cordoba."</p>	<p>Garza says "These American INVADERS are trying to kill our country!"</p>
<p>15. Impressed by the heroine's courage in living dangerously under Garza's regime, the mercenaries praise her GUTS.</p>	<p>Impressed by Renata's courage in leading the freedom fighters for so long and taking part in the coup, St. John says, "THAT GAL HAS MORE GUTS..."</p>	<p>Impressed by Sandra's courage in refusing to leave her country, Tool says, "SHE HAD SOME GUTS."</p>
<p>16. The heroine is kidnapped and tortured as Garza's security chief tries to get information about the mercenaries.</p>	<p>Renata is arrested by Colonel Torres and later shackled to the box spring of a mattress.</p> <p>She is tortured by Torres to get her to give up information and confess.</p>	<p>Sandra is arrested by Monroe and later pinned to a table by Paine.</p> <p>She is water boarded, tortured for information about the mercenaries.</p>

SIMILARITIES	<i>THE CORDOBA CAPER</i>	<i>THE EXPENDABLES</i>
<p>17. The mercenaries are led into what appears to be an ambush.</p> <p>But the mercenaries know the whole layout in advance and have prepared a counter-ambush by planting explosives on site.</p> <p>There is a climactic shootout in the courtyard of Garza's HQ building.</p> <p>The mercenaries massacre Garza's forces as the explosives go off in a precise sequence.</p>	<p>St. John and several rebels run into an ambush from 1,250 Red Brigade soldiers.</p> <p>But the mercenaries know the whole layout in advance and have prepared a counter-ambush by planting explosives on site.</p> <p>There is a climactic shootout in the courtyard of Garza's HQ building.</p> <p>The mercenaries massacre Garza's forces as the explosives go off in a precise sequence.</p>	<p>As Ross and his team enter the palace courtyard they are ambushed by over 100 of General Garza's Red Guard soldiers.</p> <p>But the mercenaries know the whole layout in advance and have prepared a counter-ambush by planting explosives on site.</p> <p>There is a climactic shootout in the courtyard of Garza's HQ building.</p> <p>The mercenaries massacre Garza's forces as the explosives go off in a precise sequence.</p>
<p>18. After being tortured, the heroine is forcibly taken to Garza's office by the security chief.</p> <p>Garza is enraged and turns on his own security chief.</p>	<p>Renata is brought to Garza's office by security chief Torres, who reveals that Renata is a rebel leader.</p> <p>Garza is enraged and turns on his own security chief.</p>	<p>Sandra is brought to Garza's office by Monroe and security chief Paine.</p> <p>Garza is enraged and turns on his own security chief.</p>
<p>19. The linchpin moment of the plot comes when Garza is giving a political speech to the people of his country from his presidential palace.</p> <p>Garza suspects his "number two" of treachery. The security chief kills Garza.</p>	<p>The linchpin moment of the plot comes when Garza is giving a speech on live TV from his palace office.</p> <p>Garza suspects Torres of treachery. Torres kills Garza.</p>	<p>The linchpin moment of the plot comes when Garza steps out onto the palace balcony and gives a speech about how he loves his country and is trying to defend it.</p> <p>Garza suspects Monroe of treachery. Monroe and Paine kill Garza.</p>

SIMILARITIES	<i>THE CORDOBA CAPER</i>	<i>THE EXPENDABLES</i>
<p>20. Garza's "number two" security chief has prepared a helicopter for his getaway, with the heroine as hostage.</p> <p>When the villain tries to escape, the hero chases him, disables the chopper, and kills the villain with a surprise tactic in a one-on-one showdown, rescuing the heroine.</p> <p>During this showdown, the hero or heroine is shot through the left shoulder.</p>	<p>Torres has a military chopper with pilot standing by, waiting for him to make his getaway, with Renata as hostage.</p> <p>When Torres tries to escape, St. John chases him, disables the chopper, and kills Torres with a surprise tactic in a one-on-one showdown, rescuing Renata.</p> <p>During this showdown, Renata is shot through the left shoulder.</p>	<p>Monroe has a military chopper with pilot standing by, waiting for him to make his getaway with Sandra as hostage.</p> <p>When Monroe tries to escape, Ross chases him, disables the chopper, and kills Monroe with a surprise tactic in a one-on-one showdown, rescuing Sandra.</p> <p>During this showdown, Ross is shot through the left shoulder.</p>
<p>21. The mercenaries leave the heroine "in charge" of her country, supported with money that came from the client.</p> <p>There is a strong hint of a future romantic relationship between the hero and heroine.</p>	<p>Renata is appointed the President of Cordoba, supported with money that comes from Wilson-Thomas.</p> <p>St. John says his goodbyes to Renata. They hug and kiss. There is a hint that St. John will return to resume their relationship.</p>	<p>Ross gives Sandra his payment from Mr. Church to "help get things going," effectively leaving her in charge of the country.</p> <p>Ross and Sandra have an emotional parting where they embrace, she asks him to come back and he promises to "be around."</p>
<p>22. The story ends with one of the heroes "rhapsodizing" or rapping in a comical way.</p> <p>Then the mercenaries ride away in cool vehicles.</p>	<p>The story ends with St. John "rhapsodizing" about his love of double-cross schemes.</p> <p>Then the mercenaries ride away in their Porsche and military transport.</p>	<p>The story ends with Christmas rapping about his prowess with a knife.</p> <p>Then the mercenaries ride away on their cool motorcycles.</p>

24. Given the numerous and striking similarities between the two works, there can be no dispute that Defendants Stallone, Callaham, and/or Alta Vista Productions, Inc. had access to and copied protectable elements of the Screenplay.

25. The natural, probable and foreseeable result of Defendants' wrongful conduct has been and will be, *inter alia*, to deprive Webb of the benefits and goodwill associated with the development, production, performance, distribution and exploitation of the Screenplay and injury to Webb's relations with present and prospective movie producers and studios seeking original scripts. Webb has already suffered irreparable damage as a consequence of his inability to market the Screenplay to movie producers and studios with interest in his work.

26. Upon information and belief, Webb has lost, and will continue to lose, substantial revenues from the production, distribution, performance and exploitation of *The Expendables*.

27. Unless enjoined by this Court, Defendants will continue their course of conduct by unlawfully reproducing, developing, promoting, distributing, and otherwise profiting from the Screenplay, and works derived therefrom, through the creation, reproduction, promotion, distribution and performance of *The Expendables 2*.

28. Webb has no adequate remedy at law to redress the injuries that Defendants have caused, and continue to cause, through their conduct. Webb will continue to suffer irreparable injury unless this Court takes action.

FIRST COUNT
(Copyright Infringement)

29. Plaintiff repeats and realleges each and every allegation contained in paragraph 1 to 25 of this Complaint as though fully set forth herein.

30. The Screenplay is an original work of authorship registered with the United States Register of Copyrights.

31. At all relevant times, Webb has been the original and sole owner of all rights, title and interest in the Screenplay and has not assigned, licensed or otherwise transferred his copyright to Defendants, third-parties or dedicated them to the public.

32. There is substantial similarity between *The Expendables* and elements of the Screenplay. Some aspects of *The Expendables* are identical to protectable elements of the Screenplay.

33. Defendants infringed, and continue to infringe, Webb's copyrights by copying, reproducing, distributing, marketing and performing an unauthorized derivative work based on the Screenplay. Upon information and belief, Defendants have earned substantial income as result of their authorship credit, production, sale and distribution of *The Expendables*.

34. The aforesaid acts constitute infringement of Webb's copyright in violation of the Copyright Act.

35. Upon information and belief, one or more of the Defendants knowingly and willfully infringed Webb's copyrights in the Screenplay.

36. Upon information and belief, unless enjoined by this Court, Defendants intend to continue their course of unlawful conduct through the production, distribution, and performance of *The Expendables*, and works derived therefrom including the sequel to *The Expendables* known as *The Expendables 2*.

37. The aforesaid acts by Defendants have caused, and unless enjoined by this Court, will continue to cause, irreparable damage, loss and injury to Webb for which Webb has no adequate remedy at law.

38. As a result of Defendants' conduct, Webb has been damaged in an amount not yet determined or ascertainable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Marcus Webb, demands judgment against Defendants, Sylvester Stallone, David E. Callaham, Millennium Films, Nu Image Films, Lions Gate Films, Inc., Lions Gate Home Entertainment, Inc., Alta Vista Productions, Inc., Alta Vista Productions, LLC and Double Life Productions, Inc., as follows:

A. Declaring that Defendants have willfully infringed Webb's copyright in *The Cordoba Caper*;

B. Enjoining Defendants, their officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them, from creating, manufacturing, producing, publishing, displaying, distributing, performing, licensing, marketing, reproducing or otherwise exploiting any work that infringes upon Webb's copyright in *The Cordoba Caper* including, but not limited to, *The Expendables* and *The Expendables 2*;

C. Ordering Defendants, their officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them to: (i) return to Webb any and all originals, copies, facsimiles, or duplicates of *The Cordoba Caper* in their possession, custody or control; (ii) recall from all distributors, wholesalers, jobbers, dealers, and retailers, and all others known to Defendants, any original, copies, facsimiles or duplicates of any works shown by the evidence to infringe any copyright in *The Cordoba Caper*; and (iii) impound during the pendency of this action, and destroy pursuant to judgment, all originals, copies, facsimiles or duplicates of any work shown by the evidence to infringe any copyright in *The Cordoba Caper*;

D. Ordering Defendants to file and serve within thirty (30) days after service of the Court's order as herein prayed, a written report under oath setting forth in detail the manner and form in which Defendants have complied with the Court's order;

E. Ordering Defendants account for all gains, profits, and advantages derived from their acts of infringement;

F. Ordering all gains, profits and advantages derived from Defendants' acts of infringement be held in constructive trust for the benefit of Webb;

G. Awarding Webb actual damages suffered and any profits attributable to the infringement of Webb's copyright;

H. Awarding Webb statutory damages;


I. Awarding Webb attorney's fees, interest and costs; and

J. Awarding Webb such other and further relief as the Court deems just and proper under the circumstances.

JURY DEMAND

Plaintiff demands a trial by jury.

DATED: New York, New York
February 15, 2012

By: 
Jeffrey A. Sunshine (JS 6267)
Jeffrey A. Sunshine, P.C.
3000 Marcus Avenue – Suite 2E5
Lake Success, NY 11042
(516) 352-2100

-and-

COLE, SCHOTZ, MEISEL,
FORMAN & LEONARD, P.A.


By: 
David M. Kohane
900 Third Avenue, 16th Floor
New York, New York 10022
(212) 752-8000

Exhibit A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America



Form PA
For a Work of the Performing Arts
UNITED STATES COPYRIGHT OFFICE

REG#

PAU3-049-981



104083499619

EFFECTIVE DATE OF REGISTRATION

JUN 08 2006

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK ▼

The Cordoba Caper

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See instructions

dramatic motion picture screenplay

2

NAME OF AUTHOR ▼

a Marcus Webb

DATES OF BIRTH AND DEATH

Year Born ▼ 1957 Year Died ▼ n/a

Was this contribution to the work a "work made for hire"?

☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
OR Citizen of USA
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

plot, additional dialog, additional characters, screenplay structure and format

NAME OF AUTHOR ▼

b

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
OR Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

c

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
OR Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2006

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published. Month Day Year Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

MARCUS WEBB

10100 Hermit Rapids Ave., Las Vegas, NV 89148

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

JUN 08 2006

ONE DEPOSIT RECEIVED

JUN 08 2006

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK ►

- Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
- See detailed instructions
- Sign the form at line 8

DO NOT WRITE HERE

Page 1 of 2 pages

Character(s) as such, not registration based on deposited authorship describing, depicting, or embodying the character(s). Compendium II of C.O. Practices 202.02(1).
 **Ideas not copyrightable. 17 USC 102(b).
 **Format not copyrightable. Compendium II of C.O. Practices.

EXAMINED BY

FORM PA

CHECKED BY

☐ CORRESPONDENCE
 Yes

 FOR
 COPYRIGHT
 OFFICE
 USE
 ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☒ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) If your answer is No, do not check box A, B, or C.
a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

"The Cordoba Caper," a short story by Marcus Webb

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

additional plot details, additional dialog, additional characters, screenplay structure and format

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP ▼

MARCUS WEBB, 10100 HERMIT RAPIDS AVE., LAS VEGAS, NV 89148

Area code and daytime telephone number (818) 917-5800

Fax number ()

Email marcuswebb@aol.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

Check only one ▶

- ☒
- author
-
- ☐
- other copyright claimant
-
- ☐
- owner of exclusive right(s)
-
- ☐
- authorized agent of

Name of author or other copyright claimant, or owner of exclusive right(s) A.

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

MARCUS WEBB

Date June 1, 2006

Handwritten signature (X) ▼



x

 Certificate
 will be
 mailed in
 window
 envelope
 to this
 address:

Name ▼

MARCUS WEBB

Number/Street/Apt. ▼

10100 HERMIT RAPIDS AVE.

City/State/ZIP ▼

LAS VEGAS, NV 89148

YOU MUST:

- Complete all necessary spaces
- Sign your application in space 8

 ATTENTION: If you are
 mailing this application,

1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAILING TO:

 Library of Congress
 Copyright Office
 101 Independence Avenue, S.E.
 Washington, D.C. 20559-6000

 If you are required to
 check, for current
 fees, check the
 Copyright Office
 website at
 www.copyright.gov
 or write the Copyright
 Office, at (202)
 (202) 707-6000.

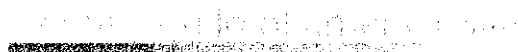
*17 U.S.C. § 505(a): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Rev. June 2002—20,000 Web Rev. June 2002 Printed on recycled paper

U.S. Government Printing Office: 2000-481-113/02/021

After Upload

<https://www.writersguild.org/webrss/confirmation.asp?PID=59D99...>



REGISTRY

Please Print This Page For Your Records

Registration Confirmation

Please print this page for your records.

Registration Number : 1129133

Thank you for your registration. Your material has been successfully registered with the WGA Intellectual Property Registry. Registrations are valid for a term of five years and can be renewed upon expiration. Please remember that changes cannot be made once material has been registered with the WGAw Intellectual Property Online Registration Service.

Should you have any questions regarding your online registration, please mail or fax your photo ID along with your written request to the Intellectual Property Registry at (323) 782-4803.

We greatly appreciate your business and would like your feedback. [Click here](#) to let us know your thoughts and suggestions about our service.

Registered Item Information:

Material Type : SCREENPLAY
Intended Medium : SCREEN
Item Title : THE CORDOBA CAPER
Filename : THE CORDOBA CAPER.pdf
Submission Date : 5/4/2006 10:04:03 AM

Registrant/Author Information:

Registrant ID : 225025061
Registrant Last Name : Webb
Registrant First Name : Marcus
Registrant Middle Name :

Credit Card was Charged:

Credit Card # : XXXXXXXXXXX-3505
Name on Card: Marcus Webb
Credit Card Expiration Date(mmyy) : 1007
Credit Card Amount : USD 20

We value our registrants' comments for making the service more secure and efficient. [Click here](#) to complete our Online Registration survey.

Writers Guild of America, west, Inc.
Intellectual Property Registry
7000 West Third Street
Los Angeles, California 90048-4329
Telephone: 323-782-4500
Fax: 323-782-4803

Documentation of Registration

The Writers Guild of America, west, Inc. issues this certificate to:

MARCUS WEBB

for the material entitled:

THE CORDOBA CAPER

by the following:

MARCUS WEBB - Writer

Registration #: 1129133
Material Type: SCREENPLAY
Registered By: MARCUS WEBB

Effective Date: 05/04/06
Expiration Date: 05/04/11

0000000049.2006051110364181.0000000012

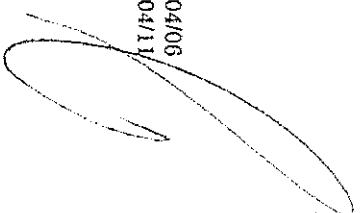
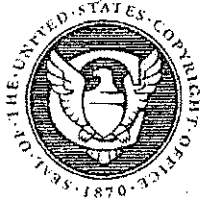


Exhibit B

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

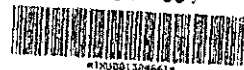


Form TX

For a Non-dramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

REGISTERED

TXu 1-304-661



EFFECTIVE DATE

JUN 09 2006

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK

The Cordoba Caper

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume

Number

Issue Date

On Pages

2

NAME OF AUTHOR

MARCUS WEBB

DATES OF BIRTH AND DEATH

Year Born

Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of

USA

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes ☒ No

Pseudonymous?

☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

SHORT STORY

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born

Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes ☐ No

Pseudonymous?

☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born

Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes ☐ No

Pseudonymous?

☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

This information must be given in all cases.

2006

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month

Day

Year

Neuron

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

*MARCUS WEBB
10100 Hermit Rapids Ave
LAS VEGAS NV 89148*

APPLICATION RECEIVED

JUN 09 2006

ONE DEPOSIT RECEIVED

JUN 09 2006

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

MORE ON BACK

• Complete all applicable spaces (numbers 5-8) on the reverse side of this page.
• See detailed instructions.
• Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of 2 pages

*Characters as such not registrable.
 Registration based on deposited authorship
 depicting, describing, or embodying such
 characters. Compendium II 202.02(1).
 *Ideas not copyrightable. 17 USC 102(b).
 Registration extends to new text deposited.

EXAMINED BY <i>JA</i>	FORM TX
CHECKED BY	
<input type="checkbox"/> CORRESPONDENCE	FOR
<input type="checkbox"/> Yes	COPYRIGHT
	OFFICE
	USE
	ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▶

Year of Registration ▶

5

DERIVATIVE WORK OR COMPILATION

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

N/A

a 6

See instructions
before completing
this space.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

Short story - characters*, plot*,
dialog

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name ▼ Account Number ▼

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

MARCUS WEBB 10100 Hermit Rapids Ave.
LAS VEGAS NV 89148

b

Area code and daytime telephone number ▶ 702/739-7623

Fax number ▶

Email ▶ marcuswebb@aol.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

Check only one ▶

☒ author☐ other copyright claimant☐ owner of exclusive right(s)☐ authorized agent of

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made
by me in this application are correct to the best of my knowledge.

8

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

MARCUS WEBB 5-31-06 Date 5-31-06

Handwritten signature (X) ▼

X *Marcus Webb*Certificate
will be
mailed in
window
envelope
to this
address:

Name ▼	MARCUS WEBB
Number/Street/Apt. ▼	10100 Hermit Rapids Ave.
City/State/ZIP ▼	LAS VEGAS NV 89148

YOU MUST:

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL ELEMENTS
IN THE SAME PACKAGE:

1. Application form
2. Nonrefundable filing fee in check or money order payable to Registrar of Copyrights
3. Deposit material

MAIL TO:

Library of Congress
Copyright Office - TX
101 Independence Avenue, S.E.
Washington, D.C. 20559-6222

How are we best to
contact you? For return
mail, attach the
Copyright Office
label to it.
For copyright questions,
contact the Copyright
Office, or call
(703) 707-1300.

9

*17 U.S.C. § 508(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 403, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Rev. July 2003—xxx Web Rev. July 2003 © Printed on recycled paper

U.S. Government Printing Office: 2005-461-113/20-021

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARCUS WEBB,

Plaintiff,

-against-

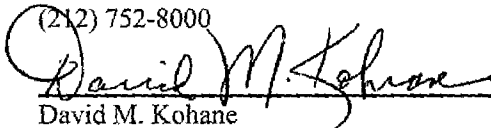
SYLVESTER STALLONE, DAVID E.
CALLAHAM, MILLENNIUM FILMS, NU IMAGE
FILMS, LIONS GATE FILMS, INC., LIONS GATE
HOME ENTERTAINMENT, INC., ALTA VISTA
PRODUCTIONS, INC., ALTA VISTA
PRODUCTIONS, LLC, and DOUBLE LIFE
PRODUCTIONS, INC.,

Defendants.

The undersigned hereby certifies that a true and correct copy of the Plaintiff's Second Amended Complaint and Exhibits was served on Defendants' counsel via *E-mail* on February 15, 2012 upon the following:

Thomas J. Ferber, Esq.
Pryor Cashman LLP
Attorneys for Defendants
7 Times Square
New York, NY 10036
Attorney for Defendants

COLE, SCHOTZ, MEISEL,
FORMAN & LEONARD, P.A.
David M. Kohane
900 Third Avenue, 16th Floor
New York, New York 10022
(212) 752-8000


David M. Kohane